

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MARLIN MANLEY,

Plaintiff,

v.

Case No. 13-13877

CORIZON HEALTHCARE,  
AND HARRIET SQUIER, M.D.,

HON. TERRENCE G. BERG  
HON. MICHAEL J. HLUCHANIUK

Defendants.

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**ORDER ADOPTING REPORT AND RECOMMENDATION (DKT. 57)**

This matter is before the Court on Magistrate Judge Michael J. Hluchaniuk's September 29, 2015 Report and Recommendation (Dkt. 57), recommending that this case be dismissed for failure to prosecute<sup>1</sup>, pursuant to Fed. R. Civ. P 41(b), and that Defendants' motion for summary judgment (Dkt. 49) be terminated as moot.

The Court has carefully reviewed the Magistrate Judge's Report and Recommendation, and finds that it is well-reasoned and supported by the relevant law. The law provides that either party may serve and file written objections "[w]ithin fourteen days after being served with a copy" of the report and recommendations. 28 U.S.C. § 636(b)(1). The district court will make a "*de novo* determination of those portions of the report . . . to which objection is made." *Id.*

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<sup>1</sup> Plaintiff failed to file any response to Defendants' motion for summary judgment (Dkt. 49), even after Magistrate Judge Hluchaniuk ordered him to do so (Dkt. 52). Magistrate Judge Hluchaniuk then issued a show cause order, warning Plaintiff that failure to respond to Defendants' motion would result in dismissal of this case for failure to prosecute (Dkt. 56). Plaintiff again failed to file any response to Defendants' motion.

Neither party filed any objections to Magistrate Judge Hluchaniuk's Report and Recommendation, and the time to do so has expired. Where, as here, neither party objects to the report, the district court is not obligated to independently review the record. *See Thomas v. Arn*, 474 U.S. 140, 149-52 (1985). The Court will, therefore, accept the Magistrate Judge's Report and Recommendation of September 29, 2015, as this Court's findings of fact and conclusions of law.

Accordingly, it is hereby **ORDERED** that Magistrate Judge Hluchaniuk's Report and Recommendation of September 29, 2015 (Dkt. 57) is **ACCEPTED** and **ADOPTED**. It is **FURTHER ORDERED** that Defendants' motion for summary judgment (Dkt. 49) is terminated as moot. It is **FURTHER ORDERED** that this case is **DISMISSED WITH PREJUDICE**, pursuant to Fed. R. Civ. P. 41(b), for failure to prosecute.

**SO ORDERED.**

Dated: November 4, 2015

s/Terrence G. Berg  
TERRENCE G. BERG  
UNITED STATES DISTRICT JUDGE

#### **Certificate of Service**

I hereby certify that this Order was electronically submitted on November 4, 2015, using the CM/ECF system, which will send notification to all parties.

s/A. Chubb  
Case Manager